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PROCEEDINGS



OF THE

FIRST ANNUAL MEETING

OF THE STOCKHOLDERS OF THE

MOBILE AND ALABAMA

GRAND TRUNK RAILROAD CO.

HELD IN MOBILE, JULY 1ST, 1871.

MOBILE:

PRINTED AT THE DAILY REGISTER OFFICE.

1871.

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FIRST ANNUAL MEETING
OF THE STOCKHOLDERS OF THE
MOBILE AND ALABAMA GRAND TRUNK R. R. CO.

The Annual meeting of the Stockholders of the Mobile and Alabama Grand Trunk Railroad Company, convened at the office of the Company, in the city of Mobile, on Saturday, July 1st, 1871.

Upon calling the roll, it being found that a majority of the Stock was represented, the President called the Convention to order, and submitted the Annual Report of the President and Directors, which was read.

The Report of the Chief Engineer was also submitted and read, whereupon the following resolution was offered by T. L. Harrison, and unanimously adopted :

Resolved, That the reports of the President and Chief Engineer be received and adopted by this Convention, and such portions of the same, with accompanying tables be printed, as the Executive Committee may deem proper, not exceeding one thousand copies.

No further business appearing, on motion, the Convention adjourned for the annual election.

OFFICE MOBILE AND ALABAMA GRAND TRUNK R. R. }
Mobile, July 1st, 1871. }

At an election by the stockholders held this day, the following named gentlemen were elected Directors of the Company, to serve until the next regular election :

BOARD OF DIRECTORS.

FRANCIS B. CLARK,
ROB'T W. SMITH,
JAMES CRAWFORD,
JOHN REID, JR.,
CARY W. BUTT,
THOMAS ST. JOHN,
SAMUEL G. BATTLE,
M. WARING,
M. TEMPLE TAYLOR.

OFFICERS ELECTED BY THE BOARD OF DIRECTORS FOR THE CURRENT YEAR.

FRANCIS B. CLARK, PRESIDENT,
ROBERT W. SMITH, VICE-PRESIDENT,
E. M. UNDERHILL, SECRETARY and TREASURER.

Executive Committee.

ROBERT W. SMITH,
JOHN REID, JR., M. TEMPLE TAYLOR.

PRESIDENT'S REPORT.

OFFICE MOBILE AND ALABAMA GRAND TRUNK R. R. Co., }
Mobile, June 27th, 1871. }

To the Stockholders:

The presentation of the first Annual Report to the Stockholders, furnishes a proper occasion for submitting a brief resume of the Company's affairs from its organization.

The Charter under which you are operating, was granted by the Legislature of Alabama, February 23d, 1866, (Appendix A), and is very full and comprehensive. It confers adequate powers for constructing, maintaining, and operating your road northwardly from Mobile, with such branches as may be necessary to connect with the Selma, Rome and Dalton Railroad, the Alabama and Chattanooga Railroad, the South and North Alabama Railroad, and any other railroad with which it may become important to make a connection within the limits of the State.

Although this Charter was obtained in 1866, no active steps were taken under it until April, 1869, when, by order of the Corporators, books were opened by public advertisement, at the rooms of the Board of Trade, for stock subscriptions, and remained open for ten days. On the 4th of May, 1869, the sum of \$100,500 having been subscribed, an election was held for a Board of Directors. On the same date the Board held a meeting, and completed their organization by the election of a President, Secretary and Treasurer.

Application was made to the city authorities, in 1869, in view of the great benefits to be derived by Mobile from the completion of the Grand Trunk road, for aid in its construction, in the form of bonds, to the amount of fifteen hundred thousand dollars. This application was supported by a petition from a large majority of the heavy tax-payers of the city, and received the favorable consideration of the municipal Boards. An ordinance was adopted, June 25th, 1869, granting the aid asked for; the bonds to be placed in the hands of the President of the Bank of Mobile, as trustee, to be delivered to this Company in instalments as the road progresses towards completion. (See Appendix B.) The ordinance also required an increased subscription to be paid in, as a condition precedent to

the delivery of the bonds. The books were again opened at the First National Bank of Mobile, by public notice, and continued open for one week, and additional subscriptions were obtained, making up the amount of \$250,000.

All preliminary requirements, having been thus fully complied with, the President was authorized by the Board to enter into a contract with the city, in conformity with the ordinance. The contract was executed accordingly, and the first instalment of \$300,000 city bonds was delivered to the Company. To remove all possible doubt, however, as to the authority of the city boards to grant the aid rendered, under the general powers conferred upon them by the 100th section of the city Charter, it was deemed advisable, before offering the bonds for sale, to have their proceedings confirmed by direct action of the Legislature. The necessary steps were taken at the proper time for this purpose, and a special act (Appendix C,) was passed by the General Assembly, and approved by the Governor of Alabama, January 17th, 1870, confirming and approving the ordinance, and giving such further powers as might be requisite for the execution and performance of the contract.

The general State aid law, enacted in 1867-68, expired in the winter of 1870. Without an extension of this law the Grand Trunk Railroad would have been shut out from its benefits, and it would have been impossible to carry the enterprise forward to a final completion. All other questions were, therefore, suspended, to await the final action of the Legislature. The adoption of the wise and conservative law, approved February 20th, 1870 (Appendix D) entitled "An act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State," justified the Board in commencing active operations. The imperfections of the law of 1868 were unhappily illustrated in the case of the Alabama and Chattanooga Railroad Company, which company, having received the State endorsement under that law, defaulted in the payment of its interest in January, 1871. In the emergency thus suddenly thrown upon the Governor, it was found that special legislation was necessary to authorize him to meet the payment by the State. The delay which followed waiting this special action gave a severe, though temporary, shock to the State credit. Under the new law no such difficulty can be presented, and no default of interest can take place, as the act is explicit

and mandatory upon the Governor to make provision by temporary loan or otherwise, in case of inability on the part of any company receiving endorsement, in order that the coupons shall be paid at their maturity by the State, when not so paid by the company. As the endorsement of the first mortgage bonds of the Grand Trunk road will be made under the provisions of the law of 1870, it is important that the fact should be generally known, in order that their enhanced value on this account may be fully appreciated.

The several measures of legislation affecting the interests of this company having been disposed of, the attention of the Board was next directed to preparations for obtaining a thorough instrumental survey of the projected line. Correspondence was opened with several engineers of established reputation, and resulted in the appointment of Col. Alfred L. Rives, of Virginia, to the office of Chief Engineer—a gentleman in every respect thoroughly qualified for the duties of his position. Col. Rives arrived in Mobile and entered upon the work of organizing his department June 13, 1870.

The accompanying report of the Chief Engineer furnishes information in detail of the operations of the various field parties during the year. From that report it will be seen that three effective corps of engineers have been diligently engaged, for the past year, upon the surveys. The first party commenced their labors in July, the second in August and the third in September, 1870. Since that period they have made thorough surveys of the line from Mobile to Elyton, extending their instrumental examinations over a considerable belt of country, in the effort to secure a perfect line, in the elements of directness, easy grade and economical construction. The preliminary surveys have been completed to Elyton and are now undergoing final revision. The distance between Mobile and Elyton has been reduced by accurate location to 230 miles, which is ten miles shorter than was previously considered practicable, and makes the comparison still more favorable to the Grand Trunk road than heretofore claimed, when considered as part of the shortest possible through line between New Orleans and New York. The important problem of grades has been solved by the surveys in the most satisfactory manner, as will be observed by reference to the report of the Chief Engineer.

In September, 1870, the work of construction was commenced at a point on the Mobile and Ohio railroad, near the city, and on the

27th day of April, 1871, the first train of cars passed over 20 miles of completed road, conveying the State and City Commissioners over the line on their tour of inspection. Keeping in view the heavy traffic which is destined to pass over this road when it shall reach the coal and iron region, the track has been laid with the best T rail, weighing sixty pounds to the yard, the bridge over the Chickasabogue is of iron, and the trestles have been constructed wherever practicable upon piles of the durable black cypress; and in every respect the construction has exceeded the specifications required by the State aid law. It is the design of the Board, that this policy of thorough and substantial construction, shall be continued throughout the entire line.

In July and August, 1870, application was made (in accordance with the act of the Legislature of Alabama, adopted December 31, 1868,) to the Commissioners Court of the respective counties for county subscriptions to the capital stock of the road as follows:

Perry county, Alabama.....	\$300,000
Marengo county, Alabama.....	250,000
Clark county, Alabama.....	100,000
	<hr/>
	\$650,000

Elections were held in pursuance of the law in Perry county, August 15, 1870; in Marengo county, September 24, 1870; and in Clarke county, September 15, 1870. In all these counties the result was favorable, and the subscriptions voted. The bonds are to be issued as soon as the work of construction shall be commenced within the borders of the several counties. An election was also ordered for Bibb county, for a subscription of \$100,000 on the 3d of October, 1870, but owing to a misapprehension, that the election would be postponed, a full vote was not taken, and the subscription failed by a small minority. The application will be renewed, however, at an early day, when it is believed that the subscription will be made.

It will be seen from the report of Col. Rives, Chief Engineer, that the surveying party, on the upper division, encountered serious difficulties upon the line which they had been instructed to pursue through Perry county via Marion. The importance of Marion as the courthouse of one of the wealthiest counties in Alabama; its attractive location and healthful climate; its excellent institutions of learning and cultivated society, would naturally combine to make it

one of the most prosperous interior towns in the State, if developed by the construction of the Grand Trunk road. It was, therefore, considered eminently desirable by the Board, that Marion should be a point on the line. With this desire, the rugged country contiguous to that place, has been carefully and thoroughly studied, and the best obtainable line has been fully ascertained. It is found however by comparison of the surveys, that a line passing about six miles east of Marion, will be the cheaper route as regards economy of construction. But before the location is finally determined, it is proper that the question shall be submitted to the citizens of Marion, and if they are willing to contribute the difference in cost, the western location, via Marion, should be adopted.

A few miles north of Centerville, at a distance of 184 miles from Mobile, the line first penetrates the coal measures of Alabama, and continues 46 miles further to Elyton, through a region abounding in coal, iron, limestone, marble and sandstone.

The general results of the surveys may be summed up in a few words. They have developed a line with grades approximating to twenty feet to the mile, moving south, from the coal beds to the gulf, and with a maximum curvature of 4° . The value of these low grades and easy curvatures, in increasing the economical working power of the road, can hardly be over-estimated.

The estimated distance of 240 miles to Elyton has been reduced to 230 miles. Of this distance 20 miles are completed and in daily operation, $36\frac{1}{2}$ miles more are in active progress of construction to the Tombigbee river, leaving $173\frac{1}{2}$ upon which the work has not been commenced.

The route of the Grand Trunk road, leading from Mobile, centrally through the fairest portions of the State, will make many important connections, adding largely to its earning capacity, and giving it great advantages over any other line to the gulf seaboard.

At Mobile, its connections westward will be by rail and steamer to New Orleans, Louisiana and Texas.

About 105 miles north of Mobile, by intersecting a line now building between Selma and this road, it will connect with the Selma, Rome and Dalton railroad, completing a through route to New York in a distance of 1237 miles, or nearly 50 miles shorter than any line now open between the two cities. The Board appreciate the value of this connection, both to the Grand Trunk road and the

Selma, Rome and Dalton road, and it is the true policy of both companies that the connection be made at the earliest day practicable. To the Grand Trunk road it will at once open up a traffic, by continuous rail, over a fertile district of 300 miles in extent; and Mobile will become the point of supply for the same region, and reach a trade which has hitherto sought a market in other directions. It will virtually extend to the Selma, Rome and Dalton road the advantages of a through line to the gulf, and by making it a part of the best line of travel between New Orleans and New York, cannot fail to add largely to its earning powers. The immediate value of this connection to the Grand Trunk road, however, consists in the fact that with 105 miles of your road in operation, the local business on its own line, and the traffic brought to it from its Selma connections, will make it a paying road, even if it should be extended no further. The resources of the Company at command for this portion of the line are adequate to defray the cost of construction to the Selma junction; and the work beyond the Tombigbee river is only delayed until the temporary depression now preventing the sale of State and city securities shall be removed, and their ready conversion be again assured.

The second connection of the Grand Trunk line will be at Uniontown, 136 $\frac{3}{4}$ miles north of Mobile, where it will cross the east and west line from Selma to Meridian and Vicksburg.

About 152 miles from Mobile, it will tap the Selma, Marion and Memphis road, which traverses a valuable country, and must become an important feeder to the Grand Trunk line.

And at Elyton, Alabama, 230 miles from Mobile, it will intersect the Alabama and Chattanooga road, forming there with a through line only of 1224 miles, between Mobile and New York, and 1362 miles between New York and New Orleans.

At Elyton, it will also intersect the South and North road to Decatur, Nashville and Louisville, forming a line of only 757 miles between Louisville and New Orleans, as against 755 miles by the Mississippi route to the Crescent city.

From these various connections the favorable route occupied by the Grand Trunk road for a large business, becomes readily apparent.

Should the success of narrow gauge railways be established in this country by satisfactory experience, several branch lines may be

suggested as valuable in connection with the Grand Trunk line. One of the most desirable of these would be about thirty miles in length, connecting Demopolis with the Grand Trunk via Linden, Shiloh, &c. This project has already been discussed in Marengo county, and is worthy of every encouragement. With the development of the country, new connections will be formed, and the great value of your road to the State of Alabama, as a grand trunk line, will be fully demonstrated.

The receipts and expenditures of the Company, from its organization to July 1st, 1871, have been as follows :

RECEIPTS:

From Capital Stock Subscriptions paid in.....	\$ 250,000
“ City and State Endorsed Bonds.....	564,397 72
“ Other Sources.....	3,605 68
Total.....	\$ 818,003,40

EXPENDITURES:

For Construction.....	\$ 607,784 04
“ Real Estate, Interest, Engineering, Surveys, and } all other Expenses, }	\$ 159,299 92
Total expended.....	\$ 767,076 96
Cash balance on hand 1st July, 1871	\$ 50,926 44

A table of distances between New York, Mobile, and New Orleans by various competing routes is appended to this report, which will illustrate the advantages of the Grand Trunk line as a through route between those cities, and also between Louisville and New Orleans.

By order of the Board of Directors.

FRANCIS B. CLARK,
President.

**TABLE OF DISTANCES BETWEEN NEW YORK AND MOBILE
NEW ORLEANS AND LOUISVILLE AND MOBILE AND
LEANS, BY VARIOUS ROUTES.**

	MILES	
	Miles	
New York to Mobile, via Lynchburg, Chattanooga, Elyton and Grand Trunk Railroad.....	1217	
New York to Mobile, via Lynchburg, Chattanooga and Montgomery.....	1274	
New York to Mobile, via Lynchburg, Chattanooga, Elyton, Montgomery and Mobile and Ohio Railroad.....	1280	
New York to Mobile, via Lynchburg, Richmond, Selma, South and North, and Grand Trunk Railroad.....	1287	
New York to Mobile, via Richmond, Charlotte, Augusta, Atlanta and Montgomery.....	1364	
New York to Mobile, via Richmond, Charlotte and Atlanta Air-line, Montgomery building).....	1241	
Louisville to Mobile, via Helmsford and Mobile and Ohio Railroad.....	697	—
Louisville to Mobile, via Nashville, Decatur and Montgomery.....	675	—
Louisville to Mobile, via Nashville, Decatur, Elyton and Grand Trunk Railroad.....	619	—
Louisville to New Orleans, via Grand Trunk to Mobile.....		
Louisville to New Orleans, via Humboldt, Mississippi Central and New Orleans and Jackson Railroad.....		

REPORT OF THE CHIEF ENGINEER.

OFFICE CHIEF ENGINEER,
MOBILE AND ALABAMA GRAND TRUNK R. R., }
June 27, 1871. }

F. B. CLARK, ESQ.,

President Mobile and Alabama Grand Trunk Railroad :

SIR—I have the honor to submit to you this, the first Annual Engineering Report of the Mobile and Alabama Grand Trunk Railroad Company :

Under its incorporating act the Company possesses, in general terms, authority to locate, construct, and operate a road with branches from Mobile northwardly, through the State of Alabama, and for good and sufficient reasons hereinafter enumerated, Elyton or its vicinity, has been selected as the main objective point in all the engineering operations.

FIELD OF SURVEY.

The only country available for a railroad seeking at reasonable cost, the shortest line between Mobile and Elyton lies west of the Mobile and Tombigbee rivers—as far as Jackson, and thence northward between the Tombigbee and Alabama rivers. The general surface of this region may be described as an inclined plane, descending gently from the north to the Gulf of Mexico, with various irregularities scattered over its surface. Experimental, as well as lines of definite location, extending over the whole of this region, have consequently justified the adoption of exceptionally easy curves and low grades, with a moderate discrimination in favor of southern bound freights.

CURVATURE.

The greatest curvature around which an average first-class locomotive of the usual construction rolls without perceptibly grinding, is, approximately, four degrees per hundred feet, and hence here not proving too onerous a condition its adoption as a maximum.

GRADES.

From reliable experimental data, a diminution of grades on curves of five-hundredths of a foot per hundred feet for each degree expressive of intensity of curvature, may be stated as approximating under average conditions, and within the limits of ordinary practice, the allowance necessary to equalize the tractive effort on curves and tangents. The grades laid down in the following table have been definitely adopted, and will be found practically as favorable as limiting maximums of twenty feet southwardly and thirty feet northwardly, regardless of curvature:

TABLE OF MAXIMUM GRADES:

ALIGNMENT.	COMING	SOUTH.	GOING	NORTH.
Tangent.	per 100 ft	per mile	per 100 ft	per mile
Tangent	$\frac{5.5}{100}$	29 $\frac{4}{100}$	$\frac{7.5}{100}$	39 $\frac{6}{100}$
1° curve	$\frac{5}{100}$	26 $\frac{4}{100}$	$\frac{7}{100}$	36 $\frac{6}{100}$
2° curve	$\frac{4.5}{100}$	23 $\frac{7}{100}$	$\frac{6.5}{100}$	34 $\frac{3.2}{100}$
3° curve	$\frac{4}{100}$	21 $\frac{12}{100}$	$\frac{6}{100}$	31 $\frac{6.8}{100}$
4° curve	$\frac{3.5}{100}$	18 $\frac{48}{100}$	$\frac{5.5}{100}$	29 $\frac{4}{100}$

GENERAL STATEMENT OF ENGINEERING OPERATIONS.

Just one year since the first field party was formed, and commenced active operations to determine as rapidly as possible the proper location of the first twenty miles of road, with a view to its prompt construction, and in order to secure the liberal aid of State and city authorized by law. A rapid reconnoissance gave convincing evidence, amply confirmed by subsequent surveys, that the proper location would necessarily lie near the Mobile river, above highest overflow, and skirting the bases of the high hills. This survey was completed in time to admit of letting out the work on the 27th day of August last, and the party afterwards, besides extending their surveys to Jackson, on the Tombigbee, greatly assisted in supervising constructing operations.

The determination of the proper crossing of the Tombigbee, for which a thorough examination of the country north, as well as

south, was necessary, next occupied attention, and a second party was formed in August last, and assigned to duty on the surveys between Jackson and Uniontown. Their labors developed the fact that moderate grades, at reasonable cost, were not applicable to any of the ridge lines through the country, and that it would be indispensable to seek, as far as practicable, a valley route, which was happily found in that of Bassett's Creek, lying in the general direction sought, and presenting a singularly favorable profile. Beyond its head the country, for a short distance, is very broken, and necessitated careful and thorough instrumental examination to determine definitely upon the most judicious location. The high hills jutting eastwardly from the main central ridge next for four miles, forces the line to take a northeastwardly direction, after which the line pursues a remarkably direct course to Uniontown, through a country of most favorable conformation for railroad purposes.

In September last a third party took the field, and commenced operations between Uniontown and Elyton. To reach a common point in the valley of the Cahaba river, near the mouth of Old Town Creek, only two routes naturally suggest themselves—one passing slightly west of Marion, and the other entering the river valley near the mouth of Rice's creek. Perry ridge interposing too formidable a barrier to justify the adoption of any intermediate line. The first of these routes presents advantages in point of directness, the latter of cheapness. Extremely thorough and careful surveys have been made of the shorter line, and every economy sought, consistent with first class alignment and the adopted grades. From the mouth of Old Town Creek a large proportion of the final location has not been completed, although now under rapid headway; but an experimental line over the entire distance, has clearly demonstrated the fact that no unusual difficulties are encountered on this upper portion of the route.

SUMMARY REVIEW OF LOCATION AND CHARACTER OF WORK.

The line commences in the city of Mobile at a point on the north side of Beauregard street, in the vicinity of the Mobile and Ohio Railroad depot, and after crossing One and Three Mile Creeks and the intervening marsh, ascends the high ground beyond, reaching at the distance of two and a half miles, the southern end of the per-

manent track, now joined by a temporary one of nearly a mile in length, to the Mobile and Ohio Railroad. Thence to the Tombigbee, a distance of fifty-six and a half miles, the road lies through a comparatively level country, requiring light grading, and only one bridge, that over the Chickasabogue. Twenty and one-tenth miles of this portion of the road are completed, but on the remaining thirty-six and two-tenths, now in progress of construction, there are two miles of pile trestle. The river, at the point selected for crossing, will require nearly eight hundred feet of bridging, of which a portion will be moveable to admit of the passage of steamboats. A careful examination of the river bed, by boring, is now being made, and it is confidently believed will establish the existence of material of sufficiently firm character to furnish entirely satisfactory foundations at reasonable cost. This examination would have been earlier completed but for the continuance of unprecedented freshets.

The thirty-five miles of line lying in the valley of Bassett's Creek will prove very inexpensive, both as regards grading and water ways. Beyond, and north of its source, for the next seven miles across the head waters of Haydon, Beaver and Turkey Creeks, the road will be much more costly. Thence for fifty-one and one-fourth miles, to the intersection of the Selma, Marion and Memphis Railroad, in the vicinity of Marion via Uniontown, the cost of construction again becomes very moderate. The next nine and three-quarter miles, however, present unusual difficulties, but are succeeded by twenty-two miles of very favorable character up the valley of the Cahawba to a point near the forks of the river. Here, at the entrance of the coal fields, it is probable that the first hard rock to any serious extent will be encountered. From this last point to Elyton, a distance of forty-six miles, nearly the whole line lies in the valleys of the Cahaba river and Shades' Creek, for which the estimate will necessarily exceed the general average, although still remaining within reasonable limits.

Along nearly the entire route, timber of excellent quality abounds, and on all the upper portion superior building stone crops out in inexhaustible quantity. With the exception, through the canebrake and flat woods region, of about thirty miles of road, which can be ballasted easily with sand and gravel from other and contiguous portions of the line, the whole country traversed is one naturally furnishing a road bed of superior quality.

COMPLETED ROAD.

Twenty miles of permanent road, and one mile of temporary, have been constructed and equipped, on which a daily train is running. The rail weighs sixty pounds per yard, the cross-ties are of excellent quality, extra size and length, and the timber used in trestles and open water ways, of best yellow pine. Nearly all of the trestle piles are of black cypress, universally considered the most durable wood for this purpose to be found in the southern country. Over the Chickasabogue, a first class triangular truss bridge, of one hundred and fifty feet span, entirely of iron, except the top chord and end braces, and resting upon masonry supports, has been constructed. This bridge was built by the Louisville Bridge and Iron Co., and presents special features in the arrangement of the bottom chord, which it is believed will render it fully equal, if not superior to any truss of its class heretofore erected.

UNDER CONSTRUCTION.

Thirty-six and one fifth miles additional are now under construction, and are to be built in the same substantial manner as that already completed.

CONCLUSIONS.

It seems proper here to present some of the many arguments demonstrating the certainty of the future prosperity and usefulness of the Mobile and Alabama Grand Trunk Railroad:

1st.—Its cost will be moderate.

2d.—Its grades are such that one locomotive can easily draw a train of double the usual capacity, thus enabling profits to be derived from rates which, under other and ordinary conditions, would not meet the unavoidable expenses of transportation.

3d.—The great need of the city of Mobile is such a diversity of business as will give employment to its population for the entire year. It is not a healthy condition of affairs where a few months of unusual activity, due to its receipts and shipments of cotton, are succeeded by a long period of comparative stagnation. Coal and iron are destined to be the great agents in remedying this unfortunate condition of affairs. As our line, with its easy grade, reaches the superior coal of the Cahaba Valley, at one hundred and eighty-

four miles, crossing thirteen distinct veins, many of them workable, and a short distance further on, by a ten mile branch, enters the fields of the Warrior, it is obvious to those familiar with the subject, that coal can be mined and delivered profitably in Mobile far cheaper than at the usual prevailing rates. These considerations point to the fact that Mobile is destined, at no distant day, to become the great coaling station of the Gulf. Again, the world-renowned iron region of Alabama is fairly reached, and analogous reasoning gives every assurance that a great movement southward of that most fruitful source of prosperity and rapid development, would be promptly inaugurated.

4th.—The country through which the road passes presents, it is firmly believed, a more fertile, attractive, picturesque, and healthy region, abounding in water power, than can be found for equal distances along any line that has or ever can be projected from Mobile in any direction.~~for an equal distance.~~

5th.—Our line forms the closing link in one of the shortest and certainly most attractive routes, not only between Texas and New York, but between Mobile and Louisville, and one so closely approximating the shortest possible, that there is no probability of its ever being superseded, especially when its peculiarly favorable characteristics are taken into account.

6th. The celebrated mineral springs of Northern Alabama will be rendered so easily and rapidly accessible that a valuable passenger traffic between them and the cities of Mobile and New Orleans must be rapidly developed.

From the foregoing considerations it must be apparent that the Grand Trunk Railroad once constructed, and under good management, would prove to be not only a financial success, but of incalculable benefit to the city of Mobile, as well as the entire region of country through which it passes.

In closing this report, it gives me great pleasure to testify my obligations to the various members of the engineer corps for their skillful and cordial co-operation.

Detailed maps, plans, and estimates are herewith submitted.

I am, with great respect,

Your obedient servant,

A. L. RIVES,

Chief Engineer.

ENGINEER CORPS M. & A. G. T. RAILROAD.

FIRST DIVISION.

CAPT. F. D. BLAKE, Division Engineer,
W. W. CARSON, Transitman, and resident Engineer,
W. B. SMITH, Resident Engineer First Division,
F. A. SPRIGG, Leveler, and resident Assistant Engineer,
J. H. SHEPHERD, Rodman,
A. BLAKE, Chainman,
Six negroes, axe-men &c.

SECOND DIVISION.

CAPT. B. MICKLE, Division Engineer,
R. H. COUSINS, Transitman,
P. A. TUTWILER, Leveler,
M. V. SCURRY, Assistant Leveler,
WILLIAM BUSH, Chainman,
Six negroes, axe-men, &c.

THIRD DIVISION.

CAPT. T. G. WILLIAMSON, Division Engineer,
R. B. PEGRAM, Transitman,
E. BERKLEY, Leveler,
L. P. RODES, Assistant Leveler.
W. A. JONES, Rodman,
J. R. PETILLO, Chainman,
Six negroes, axe-men, &c.

DONALD ALLEN, Resident Engineer and Office Assistant.
A. L. RIVES,
Chief Engineer.



APPENDIX.

[A]

A N A C T

TO INCORPORATE THE

Mobile & Alabama Grand Trunk Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Charles Walsh, W. B. Hamilton, C. W. Gazzam, C. C. Huckabee, W. B. Modewell, T. R. Jones, John G. Coleman, Felix Adams, Henry W. Hatch, Dr. E. H. Moren, J. N. Smith, Isom Kimball, Alex. Carleton, John Y. Kilpatrick, W. H. Tayloe, A. B. Moore, J. R. Johns, Charles P. Gage, F. B. Clark, and Lewis Troost, with such other persons as shall associate with them for that purpose, are constituted a body politic and corporate by the name of "Mobile and Alabama Grand Trunk Railroad Company," and by that name to sue and be sued, plead and be impleaded, and to make and have a common seal, and the same break, alter, and renew at pleasure, and this company is hereby vested with all the powers, privileges, and immunities which are or may be necessary to carry into effect the purposes and effects of this act.

Corporators.

Name.

Privileges.

SEC. 2. *Be it further enacted,* That said company is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain, and operate a railroad with one or more lines or tracks of rails, from the city of Mobile, northwardly, through the State of Alabama, with branches to the same, with one or more lines or tracks of rails, connecting with the Alabama and Mississippi Rivers Railroad, the Northeast and Southwest Railroad, the Alabama and Tennessee Rivers Railroad, the North and South Alabama Railroad, and with any other railroads which are now or may hereafter be constructed in the State of Alabama, on such routes as may be found best, and to transport, take, carry persons and property upon said railroads or ways by the power and force of steam, of animals, or any mechanical power, or

Powers.

any combination of them which said company may choose to apply, and for the purpose of constructing said railroad and branches, the said company is hereby authorized to lay out its road and branches throughout their length, not exceeding one hundred feet wide, and for the purpose of depots, machine shops, warehouses, engine houses, water stations, wood sheds, and other buildings necessary for the business of the road and branches, cuttings, embankments, and for the purpose of turn-outs, and for obtaining earth, stone, and gravel, may take as much more land as may be required for the construction and security of said road and branches, with permission to make any lawful contract with any other railroad or other corporation in relation to the business of said company, and also to make joint stock with any other railroad corporation, and form continuous through lines; Provided, That all damages that may be occasioned to any person or corporation by the taking of any such land or materials aforesaid, for the purpose aforesaid, shall be paid by said company in the manner hereinafter provided.

Further powers. SEC. 3. *Be it further enacted,* That the capital stock of said company shall be three millions of dollars, which may be increased from time to time to any sum not exceeding the entire amount expended on account of said road and branches, to be divided into shares of one hundred dollars each, which shares shall be deemed personal property, and may be transferred in such manner and at such places as the by-laws of said company may direct;

Proviso. Provided, That said company may commence the construction of said road, with all the powers and privileges contained in this act, whenever the sum subscribed to the capital stock shall exceed one hundred thousand dollars.

Capital Stock. SEC. 4. *Be it further enacted,* That the board of directors of said company shall have power to require the payment of sums subscribed by stockholders in such manner and in such times as they may deem proper, and on refusal or neglect on the part of stockholders, or any of them, to make payment on the requisition of the board of directors, the shares of such delinquent may, after thirty days' notice, be sold at public auction under such rules as said board of directors may adopt. The surplus money, if any remains after deducting the payments due, with the interest and necessary costs of sale to be paid to such delinquent stockholder.

Transfer of shares.

Proviso.

***Installments.**

Forfeiture.

SEC. 5. *Be it further enacted,* That the persons named in the first section of this act shall, at the time deemed by them most suitable, cause books to be opened for

subscribers to said stock in such manner and places as they shall direct.

SEC. 6. *Be it further enacted*, That all the corporate powers of said company shall be vested in and exercised by a board of directors, and such officers and agents as they may appoint. The board of directors shall consist of stockholders, who shall be chosen each year by the stockholders of said company. A majority of the directors shall be a quorum for the transaction of business. They shall elect annually one of their number to be president of the board, who shall also be president of said company; they shall also choose a secretary, and such other officers as they may deem necessary, and a treasurer, who shall give bond, with security, to said company, in such sums as the said directors may require for the faithful discharge of his trust.

Powers vested in directors.

Quorum.

President and other officers.

SEC. 7. *Be it further enacted*, That the persons named in the first section of this act, or a majority of them, are hereby authorized, after the books of subscription to the capital stock of said company are closed, or when the sum subscribed shall exceed one hundred thousand dollars, to call the first meeting of the stockholders of said company in such way and at such time and place as they may appoint, for the choice of directors of said company, and in all meetings of the stockholders of said company, each share entitles the holder to one vote, which vote may be given by said stockholder in person, or by lawful proxy, and the annual meeting of the stockholders of said company, for the choice of directors, shall be holden at such time and place, and upon such notice as said company may in their by-laws provide.

First meeting when called.

One vote to each share.

Annual Meeting.

SEC. 8. *Be it further enacted*, That in case it shall so happen that election of directors shall not be made on the day appointed by the by-laws of said corporation, said company for that cause shall not be deemed to be dissolved, but such election may be holden on any subsequent day which the then existing directory may appoint. The directors elected are to continue in office until their successors are elected and qualified. Vacancies in the board shall be filled by a vote of two-thirds of the directors remaining, such appointees to continue in office until the next regular annual election of directors.

Failure to elect does not dissolve Company.

SEC. 9. *Be it further enacted*, That the directors shall have full power to make and prescribe such by-laws, rules, and regulations, as they shall deem proper and needful, touching the disposition and management of the stock, property, and effects of said company, not contrary to this charter, or the laws of this State, or of

By-laws and regulations and powers therein.

Powers to purchase and hold real estate and further in relation thereto.

the United States, the transfer of shares, the duties of their officers and servants, touching the meeting of directors, and all matters whatsoever, which may appertain to the concern of said company. Said company is also hereby authorized to purchase, receive and hold estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may, by their agents, surveyors and servants, enter upon all lands and tenements, through which they may think it necessary to make said road and branches, or upon which they may deem it necessary to erect depots, warehouses, machine shops, wharves, engine houses, water stations, wood sheds, platforms, and other requisite buildings and structures for the business of the road and branches, and upon lands that may be required for cuttings and embankments, for turnouts and stations, and for stones, gravel, earth and timber, and to survey, lay out, and construct the same, and to agree and contract for said lands, to be used as aforesaid, with the owners thereof. In case the said lands belong to the estate of any deceased person, then with the executor, or administrator of such; in case of the same belonging to a minor or a person *non compos mentis*, then with his or her guardian or guardians; or in case the said lands be held by trustees of school sections, or other trustees of estates, then with such trustees; and the said administrators, guardians, or trustees, are hereby declared competent for such estate or minor, to contract with the said company for the right to use, occupy, and possess the lands of such estates, minors, or trustees, to be used as aforesaid, and the act and deed of such executors, administrators, guardians, or trustees, in relation thereto, shall pass the title in said land in the same manner as if said deed or act was made or done by a legal owner of full age; and such executor, administrator, guardian, or trustee, shall account to those interested upon their respective bonds for the amount paid him in pursuance of said agreement and composition, and if the said company and parties representing lands prefer, they may refer the question of arbitration to arbitrators mutually chosen, whose award or that of their umpire, in case of disagreement, shall vest title according to its terms.

SEC. 10. *Be it further enacted*, That if the said company cannot agree with the owner of the land, which they desire to use as aforesaid, or with the executor, administrator, guardian, or trustee, it shall, and may be lawful for the clerk of the circuit court of the county in

which said land lies, on application of said company, or its agents, and he is required to issue a writ of *ad quod damnum* commanding the sheriff that without delay he cause a jury of six good and lawful men to be upon said land on a day to be by said sheriff fixed and appointed, and whereof it shall be his duty to give notice to the owner, executor, administrator, guardian, or trustee, at least five days before such day, if they be within his county, or if not, or if the owner or owners be unknown, the notice shall be given by advertisement, to be by said sheriff posted and fixed on the dwelling house, if such there be, or in a public and conspicuous place at least five days before such appointed day, and also by advertising the same in some newspaper published nearest to the land, at least three weeks by weekly insertions prior to said day, and then cause said jury, after having been duly sworn by said sheriff or justice of the peace, to make true inquest of the damages that will be sustained by such owner or estate by reason of making such road or branches through such land. If any juror shall fail to appear, or by reason of challenge for cause or otherwise, fail to sit on such inquest, the said sheriff shall fill such jury from the by-standers; and if they fail to render a verdict the said sheriff shall, on the same day or a subsequent day empanel a jury or jurors until a verdict be had. Such verdict and inquest, regularly certified by said sheriff, shall be returned to the office of the clerk of the circuit court of the county in which said land may be, and there remain among the records; and such verdict shall vest in said company the right to occupy and use said land for the purpose of said railroad and branches on the payment or tender of payment of the damage there assessed against said company; and in case of persons absent and unknown as aforesaid, in placing of the amount of damages to the credit of the owner in the hands of the judge of probate of the county in which such lands lie, shall be deemed and taken as payment, and such judges shall be liable on their bonds to make due payment of said money on demand.

Ad quod damnum.

Duty of sheriff.

Results of verdict.

SEC. 11. *Be it further enacted*, That it shall be the duty of the sheriff to appoint and hold said inquest within ten days after the receipt of said writ, *ad quod damnum*, except in cases of absence as aforesaid, in which cases thirty days shall be allowed him, and five additional days are allowed him for every additional jury which he may have under said writ; and for every default therein the said sheriff shall be fined by the circuit court, at the in-

Duty of sheriff.

Penalty on sheriff for default, and also on jurors.

- stance of either party, not less than twenty or more than one hundred dollars; and every juror and witness so summoned, unless excused by the circuit court, shall be fined not more than ten dollars for non-attendance. Of all such fines, as well as costs, the circuit court of the county shall have jurisdiction. There shall be allowed the following fees: to the clerk of the circuit court, for every writ of *ad quod damnum*, seventy-five cents; for receiving and filing inquest, seventy-five cents; to the sheriff for giving notice, seventy-five cents, besides printers' fees, not exceeding two dollars; in each case for holding inquest, five dollars; summoning witnesses, twenty-five cents each; to jurors, seventy-five cents each per diem; which fees are not allowed until a verdict be returned and filed, and shall be taxed in the bill of costs, and paid by the company; Provided, however, that before the application for said writ the said company may make a tender to the owner or owners of any such lands, a sum of money by them deemed equivalent to the damage to be sustained, and upon refusal to accept the sum tendered, and a verdict for the same amount, or a less sum, the costs shall be taxed to and paid by the owners of the land on which the inquest is held.
- Fees.**
- Proviso.**
- Appeal.** SEC. 12. *Be it further enacted*, That either party may appeal to the next circuit court within thirty days after the assessment, by application to the clerk of said court, after giving security for the prosecution of such appeal, and in case the same is taken by the corporation, for the judgment which may be rendered against it on appeal.
- Incidents of appeal.** SEC. 13. *Be it further enacted*, That the trial of such appeal shall be *de novo*, and if the corporation be the appellant and the damages assessed are equal to or greater than found on the previous inquest, the appellant must pay the costs, and the court may award damages not exceeding ten per cent., if of opinion that the appeal was merely for delay.
- The same.** SEC. 14. *Be it further enacted*, That in case the appeal is not taken by the corporation and the appellant does not recover more damages than were assessed to him in the previous inquest, judgment for costs must be given against him. In such appeal when the judgment is against the appellant, execution may issue against his security.
- Operations not delayed.** SEC. 15. *Be it further enacted*, That the operations of said railroad company, in surveying, locating and constructing its roads and other works, shall in no wise be delayed on account of the proceedings aforesaid.

SEC. 16. *Be it further enacted*, That whenever, in the construction of said railroad and branches, it may be necessary to cross or intersect any established road or way, it shall be the duty of said company so to construct their railroad and branches as not to impede the passage of such established road or way, and in all cases where any road or public highway is so located that said railroad and branches cannot be judiciously laid out and constructed across or upon the same without injury therewith, in such case or cases said corporation may, by their engineer, cause such road or roads changed or altered in such manner that said railroad and branches may be made on the best site of ground for that purpose; Provided, said corporation shall put such road or roads in as good repair as at the time of altering or changing the same.

Duties as to
other roads.

Proviso.

SEC. 17. *Be it further enacted*, That the said Mobile and Alabama Grand Trunk Railroad Company may cross with its railroad and branches the navigable waters of the bay of Mobile at one or more points, by bridges with draw or revolving sections for the passage of water craft.

Privilege to
build bridges.

SEC. 18. *Be it further enacted*, That the directory of said company shall have power to establish such rates of tolls for the conveyance of persons and property upon the railroad and branches as they shall from time to time deem proper, and to levy and collect the same for the use of said Company. All matters and things respecting the use of said railroad and branches, and the conveyance of passengers and property shall be in conformity to such rules and regulations as said board of directors shall from time to time determine.

Tolls, &c.

SEC. 19. *Be it further enacted*, That whenever the routes of said railroad and branches shall intersect, cross, or connect with any other railroad, such intersections, crossings, or connections shall be made upon fair and equitable terms. No discriminating charges shall be enacted, and facilities for the transshipment of freight and passengers and the interchange of rolling stock shall be afforded by each.

Equitable
terms.

SEC. 20. *Be it further enacted*, That in case said railroad and branches should cross any of the lands belonging to the State of Alabama, the right of way through said lands, one hundred feet wide, is hereby granted for said railroad and branches, to said company free of charge, and in case of cuttings and embankments, gravel, earth, stone, warehouses, engine houses, and other necessary buildings, and of turn-outs and other appliances of

Right of way
free over State
lands.

the road and branches, as much more land as is necessary is hereby granted free of charge.

Right to sell
bonds,

SEC. 21. *Be it further enacted*, That for the purpose of raising funds from time to time for the construction of said railroad and branches, and the purchase of iron and other materials, to be used thereon, said company is hereby authorized to issue, negotiate, pledge, hypothecate, and sell their bonds in sums at rates of interest which may be deemed most expedient by the board of directors. The payment of the principal and interest of the bonds to be secured as the board of directors may think best.

Proceedings
against de-
faulting
stockholders.

SEC. 22. *Be it further enacted*, That when any portion or the stock subscribed to said railroad company shall be called for by the directions of the board of directors, and notice of said call shall have been given for more than thirty days that such call has been made, and specifying the per centum of stock so called for and the time when payment is required either by personal notice to the stockholders or by publication in some newspaper published in the city of Mobile, if any stockholder shall fail to pay the call so made, at the time required, such stockholder may be proceeded against by motion made in the circuit court of the county of the residence of such stockholder for the amount of stock so remaining unpaid, which motion shall be made in writing, signed by an attorney at law, and shall set forth the call so made, the notice given, the amount of stock subscribed for by said stockholder, and the amount remaining unpaid on such stock so called for, and the term of the court at which the motion will be made. The sheriff of the county shall serve the notice and make his return thereon, and for his services shall be entitled to the same fees that are allowed sheriffs for like services in the execution of summons and complaints under the general law. The clerk shall docket the case in its proper order, and for his services in this case shall be allowed the same fees to which he is entitled for like services in other cases under the general law. If the motion so made is executed more than twenty days before the term of the circuit court, to which it is returnable, the case shall stand for trial at the first term after its issuance; if executed within twenty days before such term, it shall not stand for trial until the next ensuing term of said court. All the rules of pleading and evidence applicable to actions of assumpsit under the code of Alabama, are applicable to proceedings under this section of this act, except that certificates of the secretary of said company, accompanied with the seal of

company, shall be evidence of the organization of the company, of the by-laws, rules and regulations, and of the proceedings of the company, of the calls made from time to time by the action of the directors of the company, and of the amount subscribed to the stock thereof by any stockholder, and the amount due and unpaid on such subscription at the time such call was made or became due, and upon the production of such certificate, if no plea is entered by way of defence, or if the plea is withdrawn, the court hearing such motion shall enter judgment final by default, or *nil dicit*, as the case may be, for the amount so certified to be due, with interest thereon. Such certificates shall be evidence on the trial, of any issue joined upon such motion, unless the defendant makes oath at the time of filing his plea, that he believes the plea to be true, and gives notice that other evidence will be required. But in all cases the defendant may adduce lawful proof to contradict such certificate; all issues of fact joined upon such motion are to be tried as other civil actions, by jury.

SEC. 23. *Be it further enacted*, That in all proceedings commenced under the provisions of this act, security for costs must be lodged with the clerk of the circuit court of the county in which the suit is instituted before such proceedings are commenced. Security for costs.

SEC. 24. *Be it further enacted*, That in all cases commenced under the provisions of section 22d of this act, either party may have a change of venue to the nearest county free from exception, upon application made and sufficient cause shown by affidavit, as in ordinary civil cases. Change of venue.

SEC. 25. *Be it further enacted*, That in case any person shall willfully injure or obstruct, in any degree, the said railroad or branches, he shall forfeit and pay to the president and directors of said company three times the amount of all damages they may sustain in consequence thereof, to be sued for and recovered in the same manner as provided by law for individuals in like cases; and on complaint made to any magistrate within whose jurisdiction such offense shall be committed, it shall be the duty of such magistrate to bind the person or persons so offending with sufficient security for his or their good behavior, for a period of not less than one year; and such offender shall be subject to indictment, and shall be sentenced, at the discretion of the court, to be imprisoned, not less than three, nor more than six months. Penalty for injuries and manner of proceedings therein.

SEC. 26. *Be it further enacted*, That nothing in this act

Banking priv- shall be so construed as to confer upon said company any
ileges pro- right to exercise the powers of a banking company.
hibited.

Commence in SEC. 27. *Be it further enacted*, That said company here-
five years. by incorporated shall commence the building of said road
within five years from the passage of this act.

Repeal. SEC. 28. *Be it further enacted*, That all laws contra-
vening the provisions of this act are hereby repealed.

Approved, February 23, 1866.

[B]

ORDINANCES

Adopted by the Corporate Authorities of Mobile to aid the construction of the Mobile and Alabama Grand Trunk Railroad, by the issue of \$1,500,000 City Bonds.

ORDINANCE.

WHEREAS the State of Alabama possesses deposits of Coal and Iron, and other Mineral products of immense value, as yet unproductive, and which only require efficient and direct means of transportation, to cause this great source of wealth to flow to the city of Mobile:

AND WHEREAS the General Assembly of Alabama, to promote the accomplishment of this object, has granted a Charter with the most ample powers to a Corporation under the name of "The Mobile and Alabama Grand Trunk Railroad Company," with a most liberal agreement for the loan of the credit of the State to a large amount to aid in the completion of a Railroad to this city:

AND WHEREAS the said Mobile and Alabama Grand Trunk Railroad Company has been organized for the purpose of constructing the proposed Railroad from Mobile, extending in the direction towards Elyton or Chattanooga, so as to reach the mineral region of Alabama:

In order to secure the completion of said work, inasmuch as it is evident that the same would greatly increase the commerce and wealth of this City; add to its population; create a great saving in the cost of fuel and supplies; give additional and rapid means of defence and of ingress and egress in cases of necessity; give valuable employment to our people; conduce very materially to promote the establishment of manufactures, and the general interest of the City, and its future prosperity: It is therefore

Resolved, That the Corporate Authorities of the City of Mobile do agree to loan to the said Mobile and Alabama Grand Trunk Rail-

road Company, to assist them to complete their said projected work, City Bonds to the amount of Fifteen Hundred Thousand Dollars. Wherefore—

SECTION 1. *Be it ordained by the Mayor, Aldermen and Common Council of the City of Mobile*, That the Mayor of the City is hereby authorized and directed to enter into a contract, in due form, with the Mobile and Alabama Grand Trunk Railroad Company, for such loan, with stipulations as follows:

That Fifteen Hundred Bonds of the City, for One Thousand Dollars each, made payable to bearer, and bearing interest at the rate of eight per centum per annum, payable half yearly, shall be lent and delivered to the said Railroad Company, to be used, and proceeds applied by said Company as they may be advised, to the construction, equipment and completion of said Railroad, its branches, depots, and appurtenances.

That said Bonds be so drawn, that payment of the principal thereof shall not be compulsory on the City before the expiration of thirty years from the date thereof.

That Coupons for interest shall be attached to said Bonds, which shall be payable semi-annually at the Bank of Mobile.

That said Bonds shall be sealed with the Seal of the City, signed by the Mayor, and drawn in proper form as the Mayor shall be advised, and as such Bonds are usually framed, and the issue thereof duly registered and recorded in the City Records.

That the said Bonds with Coupons shall be delivered to said company as hereinafter provided, as follows:

Three hundred of said Bonds as soon as they can be prepared and executed.

Two hundred more, whenever twenty miles of said Railroad shall be constructed and completed.

Two hundred and fifty more, when fifty miles of Railroad shall be completed.

Two hundred and fifty more, when one hundred miles of Railroad shall be completed.

Two hundred and fifty more, when one hundred and fifty miles of Railroad shall be completed.

And the remaining two hundred and fifty, when two hundred miles of Railroad shall be completed.

That the payment of Coupons shall be made only from the date

when the Bonds shall be respectively delivered to the Company, and no interest shall accrue on any Coupon which shall be past due at such time of delivery; but only those Coupons shall be paid as have not yet fallen due at the time of delivery to the Company, and are running to maturity.

That the City shall provide for and pay out of its Treasury such interest due by Coupons as shall be first payable, until it shall have paid a sum equal to three years interest on said sum of Fifteen Hundred Thousand Dollars; after which the Railroad Company shall pay, at maturity, all Coupons for interest which it may have received, out of its own funds.

That the Railroad Company shall pay all principal sums—which may become due and payable to extinguish the said Bonds—out of their own moneys, and shall relieve the City from all payments on account of said Bonds, over and above the amount of the three years interest which the City agrees to provide for and pay, of its own moneys.

That the Railroad Company shall create and provide a Sinking Fund for the payment of said Bond, and for the interest it stipulates to pay, in order to meet said payments; and that in the investment of such Sinking Fund, preference shall be given to investments in said Bonds herein provided to be issued, if it can be done on terms of equal advantage with other investments.

That if by reason of any default by said Railroad Company to meet at maturity and pay the interest and principal sums undertaken to be met and paid by the Company, the City should be required to make any such payment which the Company stipulates to pay, that in such case for all such payments in excess over what it has agreed with the Company it shall pay, the City shall be entitled to receive preferred Stock of the Company, until fully reimbursed; and in the event that the City be called upon to make any such payment, the City shall be represented in the said Railroad by three Directors, and the Mayor and the Presidents of the two Boards of the City of Mobile, shall be such Directors; and then the three Commissioners provided for shall cease.

That said Bonds may be extinguished at any time after ten years, at the election of the Company, by payment in full of all principal and interest due on said Bonds, or on any portion of them.

SEC. 2. *And be it further ordained,* That to carry out such con-

tract when made, the Mayor is authorized and directed to cause to be prepared as early as practicable, fifteen hundred Bonds with Coupons as aforesaid, in such proper form as he may be advised, which Bonds shall be deposited in the Bank of Mobile, for safe keeping and compliance with said contract; and that the President of said Bank, for the time being, be constituted a Trustee for both parties, to deliver said Bonds and Coupons according to the terms of said contract to said Railroad Company, from time to time, as they shall be entitled to receive them; and on their executing on each delivery a receipt for the same, with an obligation under the seal of the Company, to apply the said Bonds and proceeds at the sale thereof, to the construction of the Railroad they propose to construct, and equipment thereof, its branches, or buildings, and to no other purpose.

Approved, June 25th, 1869.

Amendments to the Ordinance to Aid in the Construction of the Mobile and Alabama Grand Trunk Railroad.

1. That the Bonds and Coupons may be made payable in New York or Mobile, as may be deemed best, when said contract shall be executed; and said Bonds and Coupons may be deposited in any other Bank of the City of Mobile, as Trustee, in case the Bank of Mobile should decline or be unable to attend to the same.

2. That the City shall be bound to appropriate sufficient moneys from its Treasury to pay the interest provided to be paid by the City, and if the same shall be raised by a special tax, then the taxpayers shall be entitled to a separate receipt for such tax, when the Company shall be bound to reimburse to the tax payer by the issue to the lawful holders of such receipts, Stock in said Company, when presented in sums of One Hundred Dollars.

3. That the said Company shall establish its principal office in the City of Mobile, and its terminal freight and passenger Depots, Machine and Workshops within the city limits; and shall, after three years from date of contract, pay taxes thereon the same as individuals pay.

4. That the Company shall bind itself to use the aid given by the City in extending its Road northwardly and continuously from the City to the Coal and Iron fields of Alabama, by the most direct and practicable route, and shall not be diverted therefrom to make

other connections; but the Company may establish Branch Roads out of other means.

5. That the City Boards shall select, by resolution, three Commissioners, whose duty it shall be to examine the Road from time to time, and take cognizance of its progress, and shall, when demanded by the Mayor, or either of the Boards, make a report in writing and under oath, of the actual and true condition of the same; and whenever an installment of Bonds is applied for, under said contract, they shall make special report to the Mayor, as to the condition and progress of the Road, and whether all the conditions of the contract have been complied with in good faith, whereupon, if such report be favorable, the Trustee may deliver the Bonds according to the terms of the contract.

6. In case of any disagreement or question arising between the Company and the Commissioners, as to the construction of the Road, it shall be referred to two disinterested Railroad Engineers, whose decision shall be final—one of said Engineers to be chosen by the Commissioners and the other by the Company.

Amendments to an Ordinance to Aid in the Construction of the Mobile and Alabama Grand Trunk Railroad.

1. That the contract provided to be made by and between the said Railroad and the City of Mobile, shall be made by the Mayor, and a Committee of two from each Board, said Mayor and Committees severally, acting independently of each other.

2. That none of said Bonds shall be delivered to the said Railroad, until Two Hundred and Fifty Thousand Dollars shall have been paid in Cash by its Stockholders on their subscriptions.

3. That said Railroad Company shall not assess, charge or collect, any wharfage within the City of Mobile.

Approved, June 25th, 1869.

RESOLUTION

In Relation to the Grand Trunk Railroad.

Be it resolved by the Mayor, Aldermen and Common Council of the City of Mobile, That so much of Section 1, of an Ordinance to aid in the construction of the Mobile and Alabama Grand Trunk Rail-

road, approved June 25th, 1869, as refers to the payment of Two Hundred and Fifty Thousand Dollars, in Cash, upon the subscription of the said Railroad Company, shall be so construed as only to require solvent subscriptions to the amount of Two Hundred and Fifty Thousand Dollars, to be paid in, in installments, as may be required for the construction of said Road; and that the Mayor and a Committee of two from each Board, upon being satisfied that such amount of solvent subscriptions has been made on their books, then they shall enter into a contract with said Railroad Company, in accordance with the other provisions and stipulations of said Ordinance.

Approved, July 9th, 1869.

[C]

SPECIAL ACT OF LEGISLATURE OF ALABAMA

In Reference to Mobile and Alabama Grand Trunk Railroad.

AN ACT

To confirm the action of the Municipal Authorities of the City of Mobile in reference to the Mobile and Alabama Grand Trunk Railroad.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an ordinance, entitled "An ordinance to aid the construction of the Mobile and Alabama Grand Trunk Railroad," with the amendments thereto, adopted by the Corporate Authorities of the City of Mobile, and approved by the Mayor, June 25th, 1869, together with the contract made by the City Authorities of Mobile with the said Mobile and Alabama Grand Trunk Railroad Company, under the provisions of said ordinance, be and the same are hereby approved, and made legal and binding upon said City; and said Corporate Authorities are hereby invested with full power and authority to aid in the construction of said Railroad, by the issue and delivery of its Bonds, as provided in said ordinance and contract.

SEC. 2. *Be it further enacted,* That the Corporate Authorities of said City of Mobile shall have and they are hereby invested with

power and authority to adopt such Ordinances, By-laws and Resolutions, and to provide such ways and means, and to do such Acts as shall be necessary or proper for the full execution and performance of the said contract, so made with said Railroad Company.

SEC. 3. *Be it further enacted*, That all laws and parts of laws, inconsistent with and contrary to this Act, be and the same are hereby repealed.

Approved January 17th, 1870.

OFFICE OF SECRETARY OF STATE.

I hereby certify, that the foregoing is a true and correct copy of the original Act, now on file in this office. Given under my hand and the Great Seal of the State, at the City of Montgomery, this 22d day of January, A. D. 1870, and of the Independence of the United States of America the 94th.

[Signed]

CHAS. A. MILLER,
Secretary of State.

STATEMENT

*of the Indebtedness of the City of Mobile, from the Books of the
City Auditor, January 12th, 1871.*

Temporary Loans and Claims due.....	\$257,158 64
Change Bills outstanding.....	13,627 75
BONDS—Of Funded Debt, "A. B. C." 5 $\frac{7}{8}$ cents falling due annually, the last in 1891.....	574,000 00
Annual payments required.....	\$ 45,000 00
BONDS—Of Funded Debt, "D. E. F." 8 $\frac{7}{8}$ cents falling due annually, the last in 1886.....	252,300 00
Annual payments required.....	31,000 00
BONDS—in aid of Mobile and Great Northern R. R., 8 $\frac{7}{8}$ cents falling due annu- ally, the last in 1885	352,000 00
Annual payments required.....	38,000 00
BONDS—in aid of Mobile and Alabama Grand Trunk R. R., 8 $\frac{7}{8}$ cents due in 1899..	300,000 00
(Total authorized.....\$1500,000 Issued\$ 300,000)	
Required annually for Coupons.....	24,000 00
(Provided for by Special Tax for which the payers are entitled to Stock.)	
BONDS—for the purchase of Wharves, 8 $\frac{7}{8}$ cents due in 1895.....	360,000 00
Required annually for Coupons.....	28,800 00
(Will probably be provided for by Income from the property purchased)	\$2,109,086 39

ASSETS

Belonging to the City of Mobile.

Property purchased for Taxes.....	\$118,713 23
Real Estate.....	593,000 00
Washington Market.....	3,142 19
Fire Engines, Hose, &c.....	32,000 00
City Wharf Property.....	46,001 26
Wharves purchased	360,000 00
Bond of Mobile County.....	23,200 00
Stock in Mobile and Montgomery Railroad (preferred,)	536,000 00—\$1,712,056 68

Estimate of Revenue and Expenses for 1871.*And payments of Bonds and Coupons due 1st January, 1872.*

From unpaid Taxes.....	\$105,000 00
" Licenses, Fees, &c.....	100,656 00
" Taxes for 1871.....	<div> <div> General Tax 305,653 74 Special Tax 50,942 29 </div> <div> \$562,252 03 </div> </div>
To pay Coupons and Bonds falling due.....	\$173,460 00
" Estimated Current Expenses.....	297,800 00
E. E.	\$471,260 00

W. E. JENNINGS,
Auditor.

Mobile, April 3d, 1871.

AN ACT

To furnish the Aid and Credit of the State of Alabama, for the purpose of expediting the construction of Railroads within the State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the credit of the State of Alabama shall be afforded to corporations now chartered to construct Railroads in this State, for the purpose of expediting the construction of the same within the State, to the extent and upon the conditions, and in the manner provided in the following Sections of this Act.

SEC. 2. *Be it further enacted*, That whenever any Railroad Company now incorporated, or which may be incorporated by the first day of April, 1870, under the laws of Alabama, for the purpose of constructing any line of Railway within the limits of the State of Alabama, shall have finished, equipped and completed twenty continuous miles of the Railroad of any such Railroad Company, at, or near either terminus, or at the intersection or crossing of any other Railroad in operation on the line of said Railroad, it shall be the duty of the Governor of the State of Alabama, and he is hereby required, on the application of such Railroad Company, to endorse on the part of the State of Alabama, the first Mortgage Bonds of said Railroad Company to the extent of *Sixteen Thousand Dollars per Mile*, for that portion thus finished, equipped and completed; and when another continuous Section of Five (5) miles is so finished, equipped and completed, it shall be the duty of the Governor of the State of Alabama, and he is hereby required on like application, to endorse the first mortgage bonds of said Railroad Company to the extent of *Sixteen Thousand Dollars per Mile*, for the said Section of Five (5) Miles so finished, equipped and completed; and this rate of endorsement shall be continued upon the same conditions for each subsequent continuous Section of Five (5) Miles until said Railroad is completed; *Provided*, that the provisions of this Act do not apply to Roads of less than Thirty Miles in length, nor to the New Orleans, Mobile and Chattanooga Railroad Company; *Provided*

er, that the endorsement provided for in this Act, shall not to any Railroad Company that has heretofore received an endorsement under existing laws; *Provided further*, that before any Railroad Company, embraced in this Act, shall receive any endorsement of the State upon its Bonds, the Governor shall require proof by affidavit, of the President and Treasurer, of said Railroad Company, that the first twenty miles thereof were built with other resources of said Company, independent of the State authorized by the provisions of this Act, and that the amount expended to build said Twenty (20) Miles is not to be refunded in whole or in part, from the proceeds of Bonds to be endorsed by the State, but that the means used in building said Twenty (20) Miles, have been derived bona fide from other resources of said Company; and if the President and Treasurer of said Railroad Company, making application for the endorsement of its Bonds, shall procure such endorsement by any false statement, in violation of the true intent and meaning of this provision, which is hereby declared to be, that said Company must build the first Twenty (20) Miles of its Road with other resources, independent of the Bonds endorsed by the State, the said President and Treasurer, or either of them, may be indicted before the Grand Jury of any County in the State, and on conviction thereof, before any Court of competent jurisdiction, shall be liable to imprisonment in the Penitentiary of this State for not more than five (5) nor more than ten (10) years; and the Directors, Officers and Stockholders of such Company, having knowledge of and consenting to such false statement, shall be individually liable to the creditors of said Company, for any indebtedness of said Company, which may be recovered by any creditor of said Company, as in other actions of debt; but the foregoing provisions of this Section subsequent to the words "New Orleans, Mobile and Mississippi Railroad Company," shall not apply to any Company engaged in the construction of the first section of Twenty miles of Railroad within this State, and who shall complete and equip said first Twenty (20) Miles of its Railroad in the manner provided by the provisions of this Act, entitled: "An Act to establish a system of Internal Improvements in the State of Alabama," passed February 19th, 1867, and Amendments thereto, of September 22nd, 1868, within sixty (60) days from the passage of this Act, and provided further, that the Bonds mentioned in this Act

shall not be bartered or sold for a less sum than ninety (90) per cent. of their par value, or exchanged, sold, bartered or used in the whole, or in any part or amount thereof, for iron, machinery, rolling stock or other thing, at a greater rate than the cash market value of such iron, machinery, rolling stock or other thing, to be used in and about the construction of such road; *and provided further*, that the said Railroad Company shall make return to the Governor, showing the uses to which the money realized on each installment of endorsed Roads has been applied; and unless the Governor shall be fully satisfied that the money has been faithfully, honestly, and economically expended at the usual rates for the labor performed and material purchased, he shall not endorse further for said Company failing to make such satisfactory statement; *and provided further*, that Roads excepted by the provisions of this Act shall hereafter build Twenty (20) additional miles of their Road in compliance with this Act.

SEC. 3. *Be it further enacted*, That so soon as the Governor, on the part of the State, shall endorse the Bonds of any Company, embraced in the provisions of this Act, said endorsement shall constitute a first lien upon the Section or Sections of said Road as far as completed, including road-bed, superstruction and equipment, and the franchise of the Company, granted by this State or under its authority; and the State of Alabama, upon the endorsement of said Bonds and by virtue of the same, shall be invested with said lien or mortgage, without a deed from the Company, for the payment by said Company of said Bonds with the interest thereon, as the same becomes due; and when the whole of said Road shall be completed, the State of Alabama shall be invested with a first lien, without a deed from the Company, upon the entire Road within this State, and the franchise granted by this State or under its authority, including the right of way, grading, bridges, masonry, rails, spikes and joint fastenings, and the whole superstruction and equipments, and all the property owned by the Company, as incident to, or necessary for its business, including depots and depot stations, and all other property, real or personal, belonging to said Company, or hereafter to be acquired by them, for the payment of all of said Bonds endorsed for the Company, as provided in this Act and for the interest accruing on said Bonds; and after the Governor, on the part of the State, shall have endorsed any Bonds as aforesaid

for any Road making application therefor, under this Act, it shall not be lawful for said Company to give, create or convey to any person or persons, or body corporate whatever, any lien, incumbrance or mortgage of any kind which shall have priority over, or come in conflict with the lien of the State secured by this Act; any such lien, incumbrance, or mortgage, created after the passage of this Act, shall be null and void, as against such lien or mortgage of the State, as to any and all Bonds so endorsed on behalf of the State under the provisions of this Act; and the said lien or mortgage of the State shall have priority over all other claims existing, or to exist, against said Company.

SEC. 4. *Be it further enacted*, That it shall be the duty of said Company to deposit with the Auditor of the State of Alabama, at least fifteen (15) days before the interest becomes due, from time to time, upon said Bonds endorsed as aforesaid, an amount sufficient to pay such interest, including exchange and necessary commissions, or satisfactory evidence that said interest has been paid, or provided for, and if said Company fail to deposit said interest as aforesaid, or to furnish the evidence aforesaid, it shall be the duty of the Auditor to report that fact to the Governor, and the Governor shall direct provision to be made as hereinafter mentioned, to meet said interest when due, and the Governor may immediately appoint some suitable person or persons, at the expense of the Company, to take possession and control of said Railroad, and all the assets thereof, and manage the same and secure the rents, issues, profits and dividends thereof, whose duty it shall be to give bond and security to the State of Alabama in such penalty as the Governor may require for the faithful discharge of his or their duty, as receiver or receivers, to receive said rents, issues, profits and dividends, and pay over the same under the direction of the Governor, toward the liquidation of such unpaid interest; and if said Company fail or refuse to deliver up said Road to the person or persons so appointed by the Governor, the said person so appointed shall report that fact to the Governor who shall forthwith issue his warrant, directed to the Sheriffs of the Counties through which the said Roads shall run, commanding them to take possession of said Road, fixtures and equipments, and everything pertaining thereto, and place the said Receiver in full and complete possession of the same; and said Receiver so appointed, shall continue in possession of said Road, fix-

tures and equipments, and run the same, and manage the entire Road, until a sufficient sum shall be realized, inclusive of the costs and expenses incident to such proceedings, to pay off and discharge the interest as aforesaid due on said Bonds, which being done, the Receiver shall surrender such Road, fixtures and equipments to said Company. *It is further provided*, that in the event the said Receiver should find that the said Railroad will not net a sufficient amount over and above its operating expenses to meet the interest from time to time as provided in this Bill, the Governor may proceed to foreclose the mortgage, and sell the Road, outfit and equipments. The Auditor shall from time to time settle the account with the Receiver, and the balance shall be deposited in the Treasury of this State. The Auditor is authorized and it is made his duty upon his warrant, to draw from the Treasury any sum of money necessary to meet the interest on any Bonds endorsed by the State, whenever said interest is not provided for by the Company and to pay such interest when due, as provided for in this Act; and the Auditor shall report thereon to the General Assembly from time to time, and in case the exigency requires, the Governor is hereby authorized and directed to negotiate temporary loans for said purpose, and to pledge the faith of the State for the payment of the same, so that the interest upon all the endorsed Bonds of the State shall be promptly paid when due.

SEC. 5. *Be it further enacted*, That if said Company shall fail or refuse to pay any of said Bonds when they fall due, it shall be the duty of the Governor to notify the Attorney General of the fact, and through said Attorney General shall file forthwith a Bill against said Company in the name of the State of Alabama, in the Chancery Court of the District in which is situated the principal office of said Company in Alabama, setting forth the facts, and thereupon said Court shall make all such orders and decrees in such cause as may be deemed necessary by the Court to secure the payment of said Bonds with the interest thereon, and to indemnify the State of Alabama against any loss on account of the endorsement of said Bonds, by ordering the said Railroad to be placed in the hands of a Receiver, ordering the sale of said Road, and all the property and assets attached thereto, or belonging to said Company, or in such other manner as the Court may deem best for the interest of the State.

SEC. 6. *Be it further enacted*, That in the event of any of the Railroads, fixtures or property, real or personal, belonging to any of said Roads, shall be sold under the provisions of this Act, it shall be the duty of the Governor to appoint an Agent for the State, who shall attend said sale and protect the interests of the State, and shall, if necessary to protect said interest, buy in said Road, or property, in the name of the State; and in case said Agent shall purchase said Road for the State, the Governor shall appoint a Receiver, who shall take possession of said Road and property, and use the same as provided in Section Four (4) of this Act; and said Receiver shall settle with the Auditor semi-annually, until the next meeting of the General Assembly.

SEC. 7. *Be it further enacted*, That at the end of five (5) years after the endorsement of the Bonds for the first section of said Road as provided for in this Act, said Railroad Company shall set apart two per cent. per annum, upon the amount of Bonds of said Company endorsed by the State as aforesaid, and shall use the same in the purchase of the Bonds of the State of Alabama, or the Railroad Bonds endorsed by the Governor of the State under the provisions of this Act, which Bonds the Company shall pay into the Treasury of the State after assigning them to the Governor, and for which the Governor shall give the Company a receipt, that as between the State and said Company, the Bonds so paid in shall be a credit on the Bonds endorsed as aforesaid for the Company; and the Bonds so paid in and the interest accruing thereon from time to time, shall be held and used by the State as a sinking fund for the payment of the Bonds endorsed by the Governor for the Company as aforesaid, and should said Company return any of the Bonds endorsed for it, under the provisions of this Act, to the Governor, they shall be a credit to said Company and shall be cancelled; and should said Company fail to comply with any of the provisions of this Section, it shall be proceeded against as provided in the fourth Section of this Act.

SEC. 8. *Be it further enacted*, That the President of any Company, receiving the endorsement of the State, shall make semi-annual reports under oath to the Governor, until the completion of said road, setting forth fully the condition of the Road and Company, and after its completion he shall report to the Governor annually, showing the financial condition of the Company, giving a statement of the

traffic of the Road from freight and passengers, net earnings and dividends upon its stock, and said reports shall be laid before the Governor thirty days before the annual assembling of the Legislature of the State for its action.

SEC. 9. *Be it further enacted*, That the State of Alabama expressly reserves the right to enact by the Legislature thereof hereafter, all such laws as may be necessary to protect the interests of the State and to secure the State against any loss in consequence of the endorsement of the Bonds under any of the provisions of this Act, but in such a manner as not to impair the vested rights of the stockholders of the Company.

SEC. 10. *Be it further enacted*, That this Act shall be deemed and taken to be a public Act as to all purposes.

SEC. 11. *Be it further enacted*, That no road embraced in this Act, shall be entitled to the benefits of this Act unless it shall complete the first section of Twenty (20) Miles, as provided in the second Section of this Act, on or before the first day of November, 1871, and shall build and complete for use, an average of at least Twenty (20) Miles annually, from and after the first endorsement by the Governor, as required therein, or at that rate until said Road shall be fully completed.

SEC. 12. *Be it further enacted*, That in all cases where Bonds are endorsed by the Governor in behalf of the State, for any of said Railroad Companies, under the provisions of this Act, the State of Alabama shall be entitled to two Directors in each of said Companies, to be appointed by the Governor of the State.

SEC. 13. *Be it further enacted*, That a notification to the Governor of the State, by any corporation engaged in the construction of a Road within the provisions of this Act, that such Company will construct a first-class Railroad, with the view to the obtainment of the endorsement of Bonds under this Act, and the actual *bona fide* completion of twenty (20) continuous miles of the same, from resources, independent of any aid to be derived from the State, shall amount to a contract upon the part of the Corporation that it will within the time prescribed by this Act, finish, equip, and complete the same of the first class, and upon the part of the State, that it will endorse the Bonds of such Corporation upon the conditions, and in the manner prescribed in this Act, subject to the conditions of the 2d and 3d sections of this Act.

SEC. 14. *Be it further enacted*, That before any Company, making application for the endorsement of the State upon its Bonds, shall receive the same, such Company shall furnish evidence satisfactory to the Governor, that the following conditions have been complied with, to-wit: That the superstruction has been well, and properly laid upon a good, substantial road bed, with cross-ties of an average of at least seven (7) inches heart face if hewed, and six (6) inches by eight (8) inches if sawed, and laid not more than thirty (30) inches from centre to centre if hewed, nor more than twenty-seven (27) inches if sawed, with rails of good quality, weighing not less than fifty (50) pounds to the yard, connected by joint fastenings of approved pattern; that the excavations and embankments have been brought to proper slope according to material, and to the grade adopted by the Chief Engineer for the permanent working of the road; Culverts shall be of substantial masonry, and Bridges and Trestles shall be substantial, and of most approved plan; and that an outfit and equipment has been provided, sufficient to perform promptly and efficiently the business of that portion of the Road completed at the time when application is made for the State endorsement as aforesaid; and a compliance with the conditions aforesaid shall be construed as constituting a first-class Road with the meaning, and for the purposes of this Act, subject to the conditions of the second Section of this Act; provided, that to ascertain whether the conditions specified in this Section have been complied with, the Governor may, and he is hereby authorized and empowered to appoint a Board of Three competent persons, one of whom must be a Civil Engineer, and neither of whom shall be under the employ of any Railroad Company applying for State Aid, to examine the work, and must take their sworn statement, as to the condition of the Road and equipments; such Board must be paid by the Railroad Companies, which make the application for such endorsement, upon a certificate of the Governor, to the effect that such examination has been made, and their sworn statement filed in his office as aforesaid; the pay of the members of such Boards shall be eight dollars per day, and actual expenses, during the time actually employed.

SEC. 15. *Be it further enacted*, That as a condition on which the Aid is granted by this Act, the several Railroad Companies shall not charge more than four, (4) cents per mile for each passenger

traveling over their lines, and shall not charge more than twenty-five per cent. higher rates for carrying local freight than they will for carrying through freight; nor shall they discriminate unfavorably against any citizen of Alabama, in respect of any of the benefits or privileges of their Roads.

SEC. 16. *Be it further enacted*, That as a further condition on which the aid above mentioned is granted by this Act, the several Companies availing themselves of the provisions of this Act shall be, and they are hereby required severally, to give a preference, on equally favorable terms, in all contracts for cross-ties, rails, chairs, spikes, joint fastenings, locomotives, cars of all kinds, and other material and equipments, to the proprietors of such Foundries, Mills, Manufactories, and other works, as are engaged in the manufacture of Minerals, Ores, and other raw material, found or produced within the limits of the State of Alabama; and on the presentation to the Governor of evidence satisfactory to him, that the conditions recited in this Section have not been complied with, by any Company building a Railroad within the State of Alabama, the Governor is hereby authorized and required to refuse to endorse on the part of the State the Bonds of such Railroad Company.

Approved, February 21st, 1870.

THE STATE OF ALABAMA,
OFFICE OF SECRETARY OF STATE. }

I hereby certify that the foregoing is a true copy of the original Act now on file in this office.

CHARLES A. MILLER,
Secretary of State.

Montgomery, March 1, 1870.

AN ACT

To explain and define the meaning and true intention of an Act entitled "An Act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of Railroads within the State," approved, February 21st, 1870.

Be it enacted by the General Assembly of Alabama, That the true intent and meaning of the Act entitled "An Act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of Railroads within the State," approved 21st February, 1870, is that such Act, nor any portion thereof, shall be so

construed as to allow or authorize the endorsement by the State, therein provided for, to be given or granted to Railroads of less than thirty miles in length, nor to the New Orleans, Mobile and Chattanooga Railroad Company, nor to any Railroad Company that has heretofore received an endorsement under laws existing at or before the time of the passage of the Act of which this is explanatory.

Approved, February 28th, 1870.

THE STATE OF ALABAMA, }
OFFICE OF SECRETARY OF STATE. }

I hereby certify that the above is a true copy of the original Act now on file in this office.

CHARLES A. MILLER,
Secretary of State.

Montgomery, March 3, 1870.



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